IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8686 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

EXECUTIVE ENGINEER

Versus

HARESH NATHUBHAI GELATHAR

Appearance:

MR GM JOSHI for Petitioners

MR DA SURANI for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 21/09/2000

ORAL JUDGEMENT

#. Heard the Learned Counsels for the respective parties. The impugned award is made in absence of any evidence or assistance from the petitioner. It is fairly stated on behalf of the petitioner that the impugned award is practically an exparte award even though the

name of the advocate is shown to be appearing for the petitioner in the impugned award. The Learned Counsel for the petitioner has further submitted that the important and relevant documentary evidence was there on the record of the Labour Court as the same was produced before the Assistant Commissioner of Labour Court who referred the dispute and whose file was also sent to the Labour Court. Therefore, it is submitted that the petitioner must get the opportunity of proving the documentary evidence and presenting its case properly in the Labour Court. It is, therefore, submitted that the petitioner could have and ought to have approached the same Labour Court with an appropriate application for setting aside the award. It is submitted that the petitioner proposes to do so as early as possible. If the petitioner make such application, it is needless to state that, it shall be decided in accordance with law.

#. Under the circumstances as above, this petition does not survive and, therefore, it is dismissed with no order as to cost. Rule is discharged. Interim relief stands vacated.

kks